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SENT VIA EMAIL and FIRST CLASS MAIL  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Task Force to Study Legal Disputes Involving the Care and Custody of Minor Children

Dear Honorable Co-Chairs and Members:

I am writing to request that you strongly consider the majority recommendations of this Task Force. I have been a member of the Connecticut Bar since 1984. While I originally started out as a general practitioner, my practice is concentrated in the area of family law. I represent clients in divorce, legal separation, custody, support, criminal, and probate matters. I have also been representing children, as attorney for minor child and guardian ad litem, since 1987.

I have seen good people at the worst times of their lives. The separation of a family is extremely stressful to the parents and to the children. Due to the stressors involved, parents sometimes cannot put their children's needs ahead of their own. If that occurs in the legal context, and there is a dispute over legal and physical custody, and/or parenting access, the children need a voice and need to have their best interests protected. I continue to see the need for guardians ad litem and attorneys for minor children. However, I understand there is a request for reform and I wish to write to support the Task Force recommendations and the recommendations of the Judicial Department.

I am not becoming wealthy representing children. I take many cases pro bono or for a low hourly rate. I have a significant accounts receivable for parents who are making small monthly payments. I also have many parents who have stopped making their payments or who have refused to pay my fees. I do not turn away a case because of the finances of the parents. I do this as a service to the parents and to our court system, because I believe children need to be heard and protected.

I watched a significant portion of the public hearing for the Task Force. I was saddened to hear and read some of these stories. However, these stories do not give an accurate picture of our family law system. Most family cases settle. In my practice, whether representing the children or representing one of the parents, many cases settle due to the work of the guardian ad litem. When I am the guardian ad litem, I do everything possible to avoid stress for the children involved and see it as my duty to try to effectuate a settlement. However, sometimes cases cannot settle. Many of those unsettled cases have to go through the evaluation process and trial, because one or both parents have issues that impede the parents ability to consider alternatives for a parenting plan. I have represented over 1,000 children in my career. I have received many letters from these children, thanking me for my assistance. Some of these children have gone on to become therapists, social workers or lawyers, dedicated to aiding other children who are going through divorce or separation. Most parents do not want a stranger in a black robe making the decision about where their children will live, and the access time each parent will have. However, our judiciary is there to make these decisions if the parents cannot decide. The guardian ad litem is there to assist the judge in making his/her decision, as a witness who can be cross-examined. I do not take my charge lightly and I feel most of the guardians ad litem feel the same way as I do.

We all can agree that our legal system is not perfect, but we should not throw away the baby with the bath water. I have seen the process improve over my 30 years of practice. I was part of the curriculum panel that developed the training program. I agree that there is room for increased oversight. I believe that the Task Force's majority recommendations on the role of the guardian ad litem and attorney for the minor child are reasonable. I have also reviewed the recommendations of the Judicial Department and can support those also. In particular, I think direction from the court as to the scope of the appointment, and allowing parents standing to raise issues as to the guardian/attorney are major steps that should be implemented. Increased funding for Family Services would shorten evaluation time. I already mentor inexperienced or new GALs or AMCs, but I think there should be an organized mentoring program.

I cannot support the recommendations or requests set out in the Minority Report, as to the role of GALs/AMCs in Family matters. I do not think the Minority Report takes into account the variations in family law cases, and the complex legal issues that may be present in a case. I think the Minority Report focused on the fees involved, and not the actual practice of a GAL. I know from my years of practice, and speaking to other GALs/AMCs that this is not a lucrative area in which to practice. It is an area full of heart-ache for the parents and children. I have been subjected to threats, of physical injury or death, from litigants, and yet I still continue do this work for my wards, the children. I often tell people that I am on "the side of the angels," because I know the children did not ask for their family to be torn asunder. Children should be free to be kids, and to love and have a relationship with both parents. The legal system is only involved in a family's life for a limited time period, but the parents remain the parents until the parent dies or the child dies. Parenting is a life-long responsibility. Some parents are able to rise to the challenge after court intervention, and some need the oversight of the legal system to assist them in becoming a functioning and capable parent. I tell inexperienced GALs that at the end of a case it is likely that one or both parents will be unhappy with your recommendations, and that being a

GAL is not a popularity contest. It is hard work, for which there are rewards beyond money.

I would also ask that you accept the majority recommendations, as to the extent of noncompliance with CGS Sec. 46b-56 (c) (6) and the role of the court in enforcing compliance. I have represented many parents in post-judgment actions where access was being denied by another parent. We do need a quicker response to situations where one parent is being denied access to his/her children.

I would also ask that you accept the majority recommendations as to whether the State should adopt a presumption of shared custody. I do not think any changes should be made to CGS Sec. 46b-56a(a). Shared custody can work, but not in all cases.

In conclusion, I would ask that you accept the Task Force majority recommendations. This committee worked tirelessly, and did a yeoman's work under thankless circumstances. Custody/parenting access cases are the most difficult cases in our legal system. There will always be unhappy, angry or disgruntled parents in this area. A drastic overhaul of the system is not necessary but some reform would be workable. Please consider my testimony when you are reviewing pending legislation.

Thank you.

Very truly yours,

  
Bridget A. Garrity

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